

**§ 113.5 Restrictions on use of campaign funds for flights on non-commercial aircraft (2 U.S.C. 439a(c)).**

(a) *Presidential, vice-presidential and Senate candidates.* Notwithstanding any other provision of the Act or Commission regulations, a presidential, vice-presidential, or Senate candidate, and any authorized committee of such candidate, shall not make any expenditure for travel on an aircraft unless the flight is:

(1) Commercial travel as provided in 11 CFR 100.93(a)(3)(iv);

(2) Noncommercial travel as provided in 11 CFR 100.93(a)(3)(v), and the pro rata share per campaign traveler of the normal and usual charter fare or rental charge for travel on a comparable aircraft of comparable size, as provided in 11 CFR 100.93(c), is paid by the candidate, the authorized committee, or other political committee on whose behalf the travel is conducted, to the owner, lessee, or other person who provides the aircraft within seven calendar days after the date the flight began, except as provided in 11 CFR 100.93(b)(3); or

(3) Provided by the Federal government or by a State or local government.

(b) *House candidates and their leadership PACs.* Notwithstanding any other provision of the Act or Commission regulations, a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and any authorized committee or leadership PAC of such candidate, shall not make any expenditures, or receive any in-kind contribution, for travel on an aircraft unless the flight is:

(1) Commercial travel as provided in 11 CFR 100.93(a)(3)(iv); or

(2) Provided by the Federal government or by a State or local government.

(c) *Exception for aircraft owned or leased by candidates and immediate family members of candidates.* (1) Paragraphs (a) and (b) of this section do not apply to flights on aircraft owned or leased by the candidate, or by an immediate family member of the candidate, provided that the candidate does not use the aircraft more than the candidate's or immediate family member's propor-

tional share of ownership, as defined by 11 CFR 100.93(g)(3), allows.

(2) A candidate, or an immediate family member of the candidate, will be considered to own or lease an aircraft under the conditions described in 11 CFR 100.93(g)(2).

(3) An "immediate family member" is defined in 11 CFR 100.93(g)(4).

(d) *In-kind contribution.* Except as provided in 11 CFR 100.79, the unreimbursed value of transportation provided to any campaign traveler is an in-kind contribution from the service provider to the candidate or political committee on whose behalf, or with whom, the campaign traveler traveled. Such contributions are subject to the reporting requirements, limitations and prohibitions of the Act.

[74 FR 63967, Dec. 7, 2009]

EFFECTIVE DATE NOTE: At 74 FR 63967, Dec. 7, 2009, § 113.5 was added, effective January 6, 2010.

**PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY**

Sec.

114.1 Definitions.

114.2 Prohibitions on contributions, expenditures and electioneering communications.

114.3 Disbursements for communications to the restricted class in connection with a Federal election.

114.4 Disbursements for communications beyond the restricted class in connection with a Federal election.

114.5 Separate segregated funds.

114.6 Twice yearly solicitations.

114.7 Membership organizations, cooperatives, or corporations without capital stock.

114.8 Trade associations.

114.9 Use of corporate or labor organization facilities.

114.10 Nonprofit corporations exempt from the prohibitions on making independent expenditures and electioneering communications.

114.11 Employee participation plans.

114.12 Incorporation of political committees; payment of fringe benefits.

114.13 Use of meeting rooms.

114.14 Further restrictions on the use of corporate and labor organization funds for electioneering communications.

114.15 Permissible use of corporate and labor organization funds for certain electioneering communications.